

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

MERCK & CO., INC.,)	
)	
Plaintiff,)	
)	
v.)	C.A. No. 06-230 (GMS)
)	
APOTEX, INC.)	
)	
Defendant.)	

**AMENDED NOTICE OF APPEAL TO THE
UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT**

Notice is hereby given that Apotex, Inc. ("Apotex"), defendant in the above-named case, hereby appeals to the United States Court of Appeals for the Federal Circuit from the order regarding (D.I. 15) Merck & Co., Inc.'s ("Merck's") motion to dismiss for lack of subject matter jurisdiction (D.I. 84) entered in this action on April 10, 2007 and the order entered in this action on May 21, 2007 (D.I. 88), including *inter alia* the court's order granting Merck's motion to dismiss for lack of subject matter jurisdiction (D.I. 15), dismissing all claims in Merck's complaint (D.I. 1), dismissing all counterclaims in Apotex's Answer, Affirmative Defenses, and Counterclaims (D.I. 8) and denying Apotex's motion for leave to file its first amended answer, affirmative defenses, and counterclaims (D.I. 28).

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Dated: May 23, 2007
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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE

I, Kenneth L. Dorsney, hereby certify that on May 23, 2007, the attached document was hand delivered on the following person and was electronically filed with the Clerk of the Court using CM/ECF which will send notification to the registered attorney(s) of record that the document has been filed and is available for viewing and downloading.

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